

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

The Applicant has amended claims 9 and 10. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-11 and 13-23 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Claim Rejections – 35 U.S.C. § 102(b)**

Claims 1-3, 5, 8-11 stand rejected under 35 U.S.C. 102(b) as being anticipated by Newell (US 3.169,407). The Applicants respectfully disagrees with the rejection of these claims.

"A prior art reference anticipates a claim if the reference discloses expressly or inherently all the elements and limitations of the claim. See *Kalman v. Kimberly-Clark*, 713 F.2d 760, 771, 218 USPQ 781 (Fed. Cir. 1983)

Claim 1 recites that the screw cavity is equipped with semi-spheres that follow the turn of the threads of the threaded axle. As discussed in the previous Amendment dated October 26, 2006, Newell does not disclose the use of semi-spheres. The Examiner argues that Newell clearly discloses semi-spheres in figures 5 and 6. The Applicant has reviewed the figures and the specification describing the subject "semi-spheres. The specification describes the semi-spheres as "...[a] plurality of spherical ended plugs 27 each having a shank 28 that is press fitted into an inner race 29 of a conventional ball bearing..." (Col. 5, lines 53-61). The description of Newell's semi-spheres is not equivalent to the applicant's claimed structure; "...the screw cavity at its inside being equipped with semi-spheres..."

Additionally, in regards to claim 3, the Examiner stated that Newell discloses that the first part (1) of the screw arrangement can be inserted into the second part (2). The Applicant respectfully disagrees with this characterization. Reference number 1 in Newell is merely the threaded shaft and not a part of the screw arrangement as disclosed in the Applicant's claimed invention.

Thus, Newell does not disclose all of the elements of the present invention. Therefore, the Applicant respectfully requests the withdrawal of the rejection of claim 1 and respective claims 2, 3, 5, and 8-11.

Claims 1-11 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Naoi et al (US 3,987,680). The Applicants respectfully disagrees with the rejection of these claims.

Claim 1 recites that the screw cavity is equipped with semi-spheres that follow the turn of the threads of the threaded axle. As discussed in the previous Amendment dated October 26, 2006, Naoi does not disclose the use of semi-spheres. The Examiner stated that a ball is a semi-sphere connected to a hemispherical body and therefore Naoi discloses semi-spheres. The Applicant respectfully disagrees with this characterization. A ball is distinctly different than a semi-sphere.

For prior art to anticipate under Section 102, every element of the claimed invention must be identically disclosed, either expressly or under principles of inherency, in a single reference. *Corning Glass Works v. Sumitomo Electric*, 9 U.S.P.Q. 2d 1962, 1965 (Fed. Circ. 1989). The exclusion of a claimed element, no matter how insubstantial or obvious, from a prior art reference is enough to negate anticipation. *Connell v. Sears, Roebuck & Co.*, 220 U.S.P.Q. 193, 198 (Fed. Circ. 1983). Naoi does not disclose *semi-spheres*. A semi-sphere is a distinctly different shape than a ball. In regards to inherency, inherency may be relied upon where, but only where, the consequence of following the reference disclosure always inherently produces or results in the claimed invention. *W.L. Gore Associates, Inc. v. Garlock, Inc.*, 220 U.S.P.Q. 303, 313 (Fed. Circ. 1983). If there is not a reasonable certainty that the claimed subject matter will necessarily result, the rejection fails. Naoi merely utilizes balls within grooves. *In re Brink*, 164 U.S.P.Q. 247 (CCPA 1970). Also, accidental results, not intended and not appreciated, do not constitute an anticipation. *Georgia-Pacific Corp. v. United States Plywood Corp.*, 118 U.S.P.Q. 122, 128 (2<sup>nd</sup> Circ. 1958).

Thus, Naoi does not disclose all of the elements of the present invention. Therefore, the Applicant respectfully requests the withdrawal of the rejection of claims 1-11 and 13. Additionally, it appears that the Examiner has inadvertently rejected only claims 1-11 and 13 and meant to also reject claims 14-23. If this is the case, the same

argument discussed above applies to claims 14-23 and the Applicant respectfully requests the withdrawal of the rejection of claims 14-23.

#### **Claim Rejections – 35 U.S.C. § 112**

Claims 1-24 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to comply with the enablement requirement. In response, the Applicant respectfully disagrees. In the Summary of the Invention in the Applicant's specification, it states that it is an object of the present invention to achieve a sliding screw arrangement for transformation of the rotational movement of a threaded axle into a linear movement of the sliding screw providing minimized tolerances for variations of the tuner position in both radial and axial direction. Thus, the present invention is concerned with using rotational movement of a threaded axle to provide a linear movement. This linear movement is achieved even if the tuner rotates with the threaded axle. Alternatively, the parts 141 and 142 may be fixably mounted in the cavity by conventional mechanical means well known to those with skill in the art. The object of the present invention is to use a rotating axle to provide linear movement of the tuner which is achievable as disclosed in the Applicant's specification. Therefore, the Applicant respectfully requests the withdrawal of the rejection of claims 1-11 and 13-23.

Claims 9 and 10 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that there is insufficient antecedent basis for the limitation of an "axis." In response, the Applicant has amended claims 9 and 10 to correct this informality. Therefore, the Applicant respectfully requests the withdrawal of the rejection of claims 9 and 10.

### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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Date: March 5, 2007

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